

REMARKS

Reconsideration of the present application is requested.

Claim 1 has been amended, and claim 13 has been canceled, in order to overcome the alleged indefiniteness raised on pages 2-3 of the Official action. Since the "wall" is no longer claimed, there is no need to amend the drawings.

The present invention pertains to an on-demand power-operated door apparatus of the type in which a door can be swung open by a motor-driven power linkage, or it can be manually opened independently of the linkage by users wishing to by-pass the power-operating feature. A major purpose of the presently claimed invention is to minimize the manual force necessary to do so (e.g., see paragraph 0004).

The presently claimed invention utilizes a door-opening power linkage with an optional manual-opening feature, wherein the force necessary to manually open the door can be minimized. That is because of two claimed features, namely:

- 1) the door can be manually opened independently of the power linkage (claim 11, lines 16-17), so there is no need to pull open the power linkage when manually opening the door, and
- 2) even when the door is opened by the power linkage, the power linkage will return to its original or closed position independently of the door itself (claim 11, last two lines).

Thus, the door-closing spring, against which a user is working when manually opening the door, can be made weaker than would otherwise have been the case if it had to close both the door and the power linkage. Thus, it becomes easier to manually open the door.

The prior art fails to disclose the combination of features recited in claim 11, nor is it seen how there can be any motivation from the prior art to combine them.

In that regard, the base reference, namely the door described in connection with Figs. 3 and 4 of the present application, has neither of the two features described above, i.e., the user wishing to manually open the power-operated door of Figs. 3-4 must not only displace the power linkage (which moves with the door), but also must work against a spring force that has to close both the door and the power linkage.

In Speer, just as in the previously relied-upon Nyenbrink and Rohraff, Sr. patents, a user can manually open the door, independently of the power mechanism, but, in so doing, the user has to work against the force of a spring which must close both the door and the power opening mechanism 32. In that regard, Speer discloses that:

a single acting motor 32 is effective in the system since
it functions only to push the door to the open position
(column 2, lines 40-42), and
the opening mechanism is utilized in combination with a
conventional door closer 36 such that the opener opens the
door, and the closer 36 operates to close the door in a
conventional fashion (sentence bridging columns 2 and 3).

Thus, Speer's system relies on a door-mounted closing mechanism 36 which closes the door regardless of whether the door was opened manually or by the power linkage. Thus, the closing mechanism (e.g., a spring-and-piston) against which the user must work when manually opening the door must push both the door

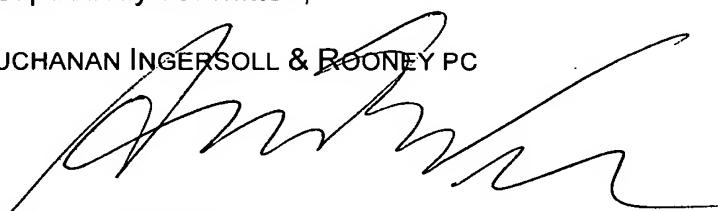
and the power mechanism closed. But, in the presently claimed invention, the linkage can be returned to its closed position "independently of the door" (see the last two lines of claim 11), so the closing force can be made weaker than would otherwise be the case in contrast to Speer's closer mechanism 36 which must close both the door and the power linkage. Consequently, it can be made easier to manually open the door of the presently claimed invention.

In light of the foregoing, it is submitted that claim 11 distinguishes patentably over the applied prior art, along with the dependent claims, placing the application in condition for allowance.

Respectfully submitted,

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